

EXHIBIT # 11

EEO COMPLAINT (INFORMAL)

AGENCY USE ONLY

CASE #: _____

The following information is requested in order to expedite processing an allegation of discrimination under 29 CFR 1614 (the Equal Employment Opportunity Commission's regulations concerning Federal Sector Equal Employment Opportunity Complaints Processing).

I. GENERAL INFORMATION

1. Name: Nora Williams
2. SSN (Non-Employee only): 261-49-1393
3. Job Title: Contract Specialist Pay Plan & Grade: GS-1102-12
Code/Shop/Organization: PRB 221
4. Work Phone: 360-396-1501 Home Phone: 360-476-4860
5. Home Address: 11600 Wicks Lake Rd SW Apt/Unit # N/A
City/State/Zip: Port Orchard, WA 98367
E-mail address: nora.e.williams@navy.mil
6. Supervisor's Name: Roy Rushing Phone: 360-396-4443

II. DESCRIPTION OF ALLEGED DISCRIMINATORY INCIDENT(S) AND RELIEF REQUESTED

1. Please identify the alleged discriminatory incident(s) and the date(s) on which the incident(s) occurred, attach additions pages if necessary. Incidents must be brought to the attention of an EEO Counselor within 45 calendar days of the date of the alleged discrimination. If it is beyond 45 calendar days, please state why:

Please See Attached Pages 1-7

2. For each of the incidents addressed above, please check one or more of the boxes below and specify your protected class which you believe motivated the agency to take the alleged discriminatory action:

☐ Race: _____☐ Color: _____☒ Sex Female: X Male: _____☐ Physical Disability*: _____☐ Genetic Information: _____☐ National Origin: _____☐ Religion: _____☒ Age (must be at least 40). DOB: 25 May 1963☒ Mental Disability*: PTSD Generalized Anxiety Disorder

☒ Reprisal for participation in an EEO complaint or opposition to an unlawful EEO practice. Please specify your prior EEO activity and the date of that activity. DON 16-44255-02175, 00837, 02482, 00251, 00494 and Opposition activity after 9-10-16.

*If you are alleging discrimination based on a disabling condition, you may need to provide medical documentation in order to substantiate you have a disability as defined under 29 CFR 1614.203.

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3. Please identify the code/shop/organization and management official(s) you believe discriminated against you.

Code/Shop/Organization: PRB 221 Management Official(s): Ray Rushing - Supervisor

Contract Specialist; LCDR Ross Pitcairn 2nd Level Supervisor; Charles
Monie - Deputy Public Works Officer 3rd Level Supervisor, Samuel Vitano - Attorney

4. Please identify witnesses who, through firsthand knowledge, can substantiate the discrimination occurred.

Witnesses: Please See #3.

5. Please state the corrective action desired. (What will resolve this matter?)

- End adverse investigation
 - Comply with BA
 - Remove Negative Reports From File and TRIM FILE
 - Compensatory damages
 - Atty Fees & Costs
 - Consequential damages

III. RIGHT TO ANONYMITY AND REPRESENTATION

1. You have the right to remain anonymous during the informal EEO process. Do you wish to remain anonymous? ☒ No ☐ Yes

2. You have the right to be represented anytime during the complaint process. If you choose to have a representative you must designate, in writing, the name, address, and phone number of your representative:

Representative's Name: Chalmers C. Johnson Phone: 360-876-9221

E-mail address: Chalmers@gsjoneslaw.com

Code/shop/organization or if attorney, please state: Attorney

Address: 1155 Bethel Ave.

Apt/Unit # _____

City/State/Zip: Port Orchard, WA 98366

IV. OTHER

1. Have you filed with the Merit System Protection Board (MSPB), or filed a negotiated grievance with the union, or an administrative grievance regarding the same issue?

2.

☒ No

☐ Yes

Date filed _____

With whom _____

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3. Would you consider utilizing a form of Alternative Dispute Resolution?
(If both parties agree, counseling will be extended up to 90 total days)

☒ No ☐ Yes

X newelliaues
Signature

25 Aug '16
Date

PRIVACY ACT STATEMENT

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (PL-93-579), which requires that Federal agencies must inform individuals, who are requested to furnish information about themselves, the following facts concerning the information requested.

1. **AUTHORITY:** The Department of the Navy discrimination procedures are authorized by 42 USC 2000E-16, the Equal Employment Act of 1972.
2. **PRINCIPLE PURPOSE:** The information requested is needed to establish the case records and to assist Department of Navy officials in the processing of the complaint.
3. **ROUTINE USES:** This form and the information furnished thereon will be used by Department of Navy officials in the performance of their official duties related to the processing of the complaint. In addition, it will be used, when needed, by a hearing examiner, investigator, arbitrator, or by representatives of the Office of Personnel Management, Department of Justice, and the courts concerned with the processing of a complaint and special cases.
4. **MANDATORY OR VOLUNTARY DISCLOSURE:** The information you provide is entirely voluntary and will be protected as confidential in accordance with the policies, procedures, and safeguards adopted under the Privacy Act. If you do not furnish the information requested on the attached form, there will be no adverse consequences to you.

No Signature is required on this statement

Nora Williams - ATTACHMENT TO INFORMAL EEO COMPLAINT – 29 AUGUST 2016

1. DENIAL OF REASONABLE ACCOMODATIONS – ADA VIOLATION

- Roy Rushing, LCDR Pitcairn, and Charles Monie have been requiring me to keep and report my work time in a manner which violates my existing Reasonable Accommodation (RA) document. After reporting that it violated the RA, I have continued to be required to report my time by very complicated and time consuming means in violation of the RA. This impedes my ability to get my work done.
- My supervisor, Roy Rushing, LCDR Pitcairn and Charles Monie have continuously and blatantly overused the “emergency” clause in my RA to make me come into work more than I am supposed to come in according to the RA. They have so over-used the “emergency” provision as to constitute a violation and denial of the RA.
- Mr. Charles Monie has failed to take any action to correct these violations of my RA. He is the official in charge of ensuring the employer’s compliance with the RA.

2. RETALIATION – ADA VIOLATION, TITLE VII VIOLATION

- Adverse employment action - The employer began an official investigation against me, specifically regarding my discussion of my reasonable accommodation. The investigation is aimed at creating a basis for future discipline. Please see attached notice of investigation.
- Harassment/ Hostile Work Environment - During the investigation, the attorney who conducted the interrogation on behalf of the employer (Mr. Samuel Vitaro) belittled me because of my RA and disabilities.
- Sex Harassment – During the interrogation, Mr. Samuel Vitaro referred to me as “My Dear” and treated me with disdain which I believe was based on my sex (female), based on my disability (anxiety disorder) and because I have filed EEO complaints and am under reasonable accommodations.
- Adverse employment action - Roy Rushing, my supervisor, has been assigning me work that is already overdue, or that has significant difficulties so as to impede my ability to complete my work and make it appear that I am not performing well.
- Charles Monie and LCDR Ross Pitcairn have participated in or have failed to take action to stop the harassment. Please see my email of 16 August 2016, and the confirmation that it was read by Mr. Monie.

3. AGE DISCRIMINATION

- Roy Rushing, addressing our staff, said that the older workers (referring to us) should look into early retirement.

- Roy Rushing said to Anna Fischer, that Terry Homburg (over 40) is "old and tired and needs to be put out to pasture and retired."
- Adverse employment action - Roy Rushing, my supervisor, began investigations of me and one other worker (Daniel Miller), over 40. The "investigation" involves reviewing work that we did at the direction of a former supervisor (Jim Niles), with the direct threat that we will be disciplined should he decide that something we did at the former supervisor's direction violates his (Mr. Rushing's) current policies.

4. CONTINUING RETALIATION – ADA Title VII violations

- The employer continues to retaliate against me because of my prior EEO activity. I believe that the active investigations, violations of the RA, and the imposition of overdue or unnecessary work in the guise of emergencies is designed to either result in discipline, termination, or constructive discharge. Roy Rushing, LCDR Pitcairn, and Charles Monie are engaged in or failing to take action to stop the continuing harassment. Other members of command/management are also participating, including but not limited to those who began and authorized the continuing investigation. Please see the attached notice of investigation, my opposition email and confirmation of Mr. Monie's having read it.



Nora Williams
25 August 2016

11 Aug 2016

From: Director, Facilities and Engineering Department, Bangor, Naval Facilities Engineering Command, Northwest (NAVFAC NW)
To: Ms. Nora Williams

Subj: OFFICIAL ADMINISTRATIVE INVESTIGATION

1. At the direction of the Commanding Officer, NAVFAC NW has contracted with Samuel A. Vitaro, to do an administrative investigation into allegations of possible misconduct by you, to include the following:
 - a. Recording conversations in the workplace via a video/audio recording device.
 - b. Making the statement to co-workers regarding "second amendment solutions" and other comments concerning her concealed carry firearms permit and her concerns that she cannot bring a firearm to work.
 - c. Discussing issues such as Reasonable Accommodation, Equal Employment Opportunity cases, and conflicts with management with coworkers to the extent it has been disruptive.
2. Mr. Vitaro is a federal sector arbitrator and former federal Administrative Judge who has done considerable fact-finding for federal government agencies.
3. Mr. Vitaro will be interviewing witnesses, including yourself. The interviews will be tape recorded. Following his interviews and the collection of documents, he will provide me with a report of investigation, with findings and recommendations concerning the allegations.
4. Mr. Vitaro will, to the extent possible, maintain any information that you provide as confidential. Other individuals will only be informed about any information you provide on a need to know basis. Please note that this is an official administrative investigation and, as a federal employee, you are obligated to cooperate, to include giving candid and accurate responses during the interview and providing information for inclusion in the Report of Investigation.
5. Mr. Vitaro will be at the agency conducting interviews during the week of 15 August 2016. Your interview has been scheduled for Wednesday, 17 August at 1000 in the Mt. Hood conference room located on the first floor of Building 1101, Bangor. Your interview will be scheduled for two hours, with any necessary additional time for the interview scheduled at the conclusion of the initial interview.

Subj: OFFICIAL ADMINISTRATIVE INVESTIGATION

6. If you have any questions about this process, please contact Laura Foss at (360) 315 -2587 or Meranda Jackson at (360) 315-3007. Thank you in advance for your cooperation.


W. R. PITCAIRN IV

Chalmers Johnson

From: Williams, Nora E CIV NAVFAC NW, PRB221 <nora.e.williams@navy.mil>
Sent: Tuesday, August 16, 2016 12:25 PM
To: Rushing, Leroy W CIV NAVFAC NW, ACQ1; Pitcairn, William R IV LCDR NAVFAC NW, PRB3
Cc: Chalmers Johnson; Monie, Charles CIV NAVFAC NW, PRBD; Leonard, Michael P CDR NAVFAC NW, PRB; tellmark@mail.house.gov; colleen_bryant@murray.senate.gov; Kenney, Michael D CAPT NAVFAC NW, 09; Kurgan, Christopher M CAPT NAVFAC NW, 00; Ed_O'Neill@murray.senate.gov
Subject: RE: Official Administrative Investigation
Attachments: NORA LETTER_1.pdf
Signed By: nora.e.williams@navy.mil
Importance: High

Hi, Roy ~

I have contacted my attorney's law firm and have been advised to send this email.

Please be advised I am willing to fully cooperate. However, given the seriousness of the charges--including the potential criminal charges--I am requesting Union representation (due to the potential to terminate me or take other disciplinary action against me) in accordance with 5 USC 7114(a)(2)(B), NLRB v. Weingarten, Inc., 420 U.S. 251 (1975).

Additionally, given the severity and gravity of the second allegation, I request my attorney--or an attorney from his firm--be present (due to the potential to charge me with criminal threats/assaults), Gardner v. Broderick 392 U.S. 273 (1968).

As with Mr. Kasper during an investigation conducted in August 2015 and in which I participated; during which he tape recorded the interview in its entirety; and in accordance with 29 CFR 1614 and 5 USC 7503; any and all recordings shall be made available to me and my attorney via DVD/CD along with a copy of my statement for review prior to signature.

I realize that the results of this investigation will be turned over to HR, as they are Command's designees in such matters. I'm willing to make a statement/answer questions, however, you should be advised that I have outstanding EEO complaints against Meranda Jackson, Lisa Ellingboe, and Jennifer Herbig that are pending trial/hearing in federal district court. More than likely, one of them will be Command's designee, and that could be problematic for Command given there is a conflict of interest relative to the Human Resources and the Labor Relations Division/Branch and anything to do with me.

Furthermore, I not attempting to avoid the Command's need to investigate nor am I being insubordinate: I am fearful for my safety, as I have expressed many times since I was first assaulted in January 2014; the two subsequent assaults; and culminating with the recent incidents of tampering with my vehicle on base--the last of which was done on 21 July 2016. Command has the photos and police report from the 1 July incident and the ability to access the police report made last September.

I believe this investigation is being conducted in retaliation for my EEO complaints (9 to date) with the intent to cause me physical and mental harm in that Command is well aware of my medical condition for which I have been granted a Reasonable Accommodation and the negative health affect such allegations would have on me.

V/r,

- 5 -

Nora

-----Original Message-----

From: Rushing, Leroy W CIV NAVFAC NW, ACQ1
Sent: Friday, August 12, 2016 10:04 AM
To: Williams, Nora E CIV NAVFAC NW, PRB221
Subject: Official Administrative Investigation
Importance: High

Mrs. Williams,
The attached letter is notification of an Official Administrative Investigation.

LeRoy W. Rushing
Supervisory Contract Specialist
Naval Facilities Engineering Command Northwest
Public Works Department / FEAD FSC Bangor
T075 Skate Street
Silverdale, WA 98315
360-396-4417

"Semper Paratus"

Chalmers Johnson

From: Williams, Nora E CIV NAVFAC NW, PRB221 <nora.e.williams@navy.mil>
Sent: Tuesday, August 16, 2016 12:55 PM
To: Chalmers Johnson
Cc: Nora Williams
Subject: FW: Official Administrative Investigation
Signed By: nora.e.williams@navy.mil

Importance: High

From: Monie, Charles CIV NAVFAC NW, PRBD
Sent: Tuesday, August 16, 2016 12:26 PM
To: Williams, Nora E CIV NAVFAC NW, PRB221
Subject: Read: Official Administrative Investigation
Importance: High

Your message

To: Monie, Charles CIV NAVFAC NW, PRBD
Subject: RE: Official Administrative Investigation
Sent: Tuesday, August 16, 2016 12:25:22 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Tuesday, August 16, 2016 12:25:59 PM (UTC-08:00) Pacific Time (US & Canada).